

ROANOKE RIVER BASIN BI-STATE COMMISSION
Hampton Inn, Henderson, NC
June 12, 2009

Roanoke River Basin Bi-State Commission members present:

NC: Representative Lucy Allen, Representative James Crawford, Larry Yarborough, John Slaton

VA: Senator Frank Ruff, Delegate Thomas Wright, Haywood Hamlet, John Field

Staff present:

NC: Rick Seekins, Kerr-Tar COG; Tom Fransen, NC DENR; Tom Reeder, NC DENR; Steve Reed, NC DWR; Gene Addresso

VA: Scott Kudlas, DEQ; Tammy Stephenson, DEQ.

Virginia Roanoke River Advisory Committee: John Lindsey

As both of the co-chairs, NC Representative Lucy Allen and Mike McEvoy, were absent, Rick Seekins opened the meeting. Representative Allen was scheduled to arrive later in the meeting and Mr. McEvoy was out sick.

There were introductions of members and guests. There was not a quorum of commission members.

Presentations

Tom Fransen gave an update on the Inter-Basin Transfer for Kerr Lake Regional Water System. The presentation is a part of these minutes. Following the presentation, there was discussion regarding formal comments made previously regarding this issue and whether these comments had been addressed. In answer to these questions, Mr. Fransen reviewed comments received and the remaining process with the other comment opportunities.

As part of the Kerr Lake Regional Water System application discussion, a question was asked regarding the City of Roxboro and their request for a water supply designation in Virginia. It was noted that there would be additional comment periods after the Virginia State Water Control Board considered this issue in July. Information will be sent out detailing this time frame, etc.

Senator Frank Ruff expressed concern with allowing localities to grow beyond their capabilities when the infrastructure/resources cannot support it.

Representative Allen reported that there was proposed legislation that was introduced following the Water Allocation Study. She does not expect the legislation to pass this session. A copy of the legislation is attached and additional information can be found at

the NC DWR website

http://www.ncwater.org/Water_Supply_Planning/Water_Allocation_Study/.

Upon a motion by Delegate Tommy Wright, seconded by Haywood Hamlet, the minutes of the March 21, 2009 meeting were approved unanimously as amended (removal of question regarding Lindley Butler and Nate Hall).

By Laws

Mr. Seekins referenced a memorandum from Mr. Butler regarding his suggestions for amendments to the By Laws. Mr. Butler had a conflict and was unable to make this meeting. Mr. Seekins asked everyone to review Mr. Butler's comments prior to the next meeting, when the By Laws will be considered.

John Feild asked members to consider electronic voting so that decisions can be made based on the geographic balance established in the membership.

Senator Ruff asked members to consider rotating the chair position between the two states and establishing a 1st vice chair and a 2nd vice chair, positions to move into the chair position.

Tammy Stephenson will make these changes to the By Laws and will send out another draft to be considered at the next meeting.

Election of Officers

Upon a motion by Delegate Wright, seconded by Mr. Feild, members agreed unanimously to hold election of officers at the next meeting following the adoption of the By Laws.

Committees

Ms. Stephenson presented a spreadsheet detailing the subcommittees established by the Virginia Roanoke River Basin Advisory Committee (VRRBAC). The subcommittees were similar, but not replicative, of the legislated committees to be formed by the Roanoke River Bi-State Commission. This topic will be up for discussion at the VRRBAC June 30 meeting, at which time the VRRBAC will consider amending the subcommittee structure to duplicate the legislated committees.

There was discussion that the North Carolina Roanoke River Advisory Committee needed to be activated and legislated committees needed to be established. Delegate Wright moved that once the legislated committees are activated in each state, the committees begin to work together. Mr. Yarborough seconded the motion, and the Commission agreed unanimously.

Water Allocation Ad Hoc Committee

Gene Addesso reported that there was a brainstorm session scheduled in May, but Mr. Kudlas requested the meeting be postponed so that Virginia could involve the Administration

Mr. Kudlas said that Virginia has other inter-state arrangements in place, and the executive branch was involved with these. He thinks that it is in the Commission's interest to take a step back and wait for this process to play out. Mr. Feild asked Allen Piner, Army Corps of Engineers, about the time from the Corps was looking for with regard to a recommendation on water allocation. Mr. Piner said they are waiting to hear from the applicant. They encourage the process for the two states to get together. He added that there is a 216 Study underway for Kerr Reservoir. They are currently not considering water supply in the study, but that could be changed. Mr. Feild asked if the Commission passed a resolution, would they include water supply in the study.

Mr. Kudlas told members that he anticipates this being a short-term delay that will ultimately prove beneficial to progress of the water allocation issue. Through this brief delay, we could get administrative support for this effort and possibly assist in the 216 process.

Delegate Wright asked Mr. Kudlas to follow up on this so it could keep moving, as he did not want Virginia to hold up the process. He acknowledged Mr. Kudlas needs to participate to represent the Administration perspective.

Mr. Kudlas said he did not think the Commission needed to pass a resolution to keep the process moving. He hopes to hear something in the next week or so.

Senator Ruff said there should be a 'drop dead' date that allows the process to keep moving even if there is no word from the Administration.

There was discussion on who else should be involved in the Water Allocation Ad Hoc Committee. Tom Reeder said he thought Richard Whisnant should be considered, as he was greatly involved with the development of the North Carolina Water Allocation Study. Mr. Kudlas suggested Bill Cox from Virginia Tech.

Public Comment

Ann Cockrell asked the Commission to protect the quantity and quality of the water by not allowing uranium mining.

Deborah Dix said if uranium mining is opened up, creeks and rivers will be gone.

Representative Allen asked about the status of the Virginia moratorium on uranium mining. Senator Ruff reported that it is being studied. Once the study is complete, the state can consider whether or not to lift the moratorium.

Next Meeting

It was determined that the next meeting should occur in late July or early August. Members will be polled to see what dates will work.

The meeting was adjourned.